

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY CAMPBELL, *et al.*,

Plaintiffs,

v.

Case No. 25-cv-10093
Hon. Matthew F. Leitman

BANK OF AMERICA, NA,

Defendant or Respondent.

/

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
MOTION TO DISMISS OR ALTERNATIVELY TO STAY (ECF No. 15)**

On June 27, 2025, the Court held a hearing on Defendant Bank of America, NA's Motion to Dismiss or Alternatively to Stay (the "Motion") (ECF No. 15). For the reasons explained on the record, **IT IS HEREBY ORDERED** as follows:

1. The Motion is **GRANTED** to the extent it seeks dismissal of the Amended Complaint (ECF No. 5) for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure. However, the dismissal is **WITHOUT PREJUDICE** and with leave to amend as set forth below. The Motion is **DENIED** to the extent it seeks dismissal of the Amended Complaint with prejudice.

2. The Motion is **DENIED WITHOUT PREJUDICE** to the extent it seeks dismissal under Rule 12(b)(7) of the Federal Rules of Civil Procedure. Defendant may re-raise its arguments under Rule 12(b)(7) in a motion seeking dismissal of the to-be-filed Second Amended Complaint.
3. The Motion is **GRANTED** to the extent it seeks a stay of these proceedings pending the outcome of the related arbitration between Plaintiffs Jeffrey and Thomas Campbell and/or Campbell Construction Contractors, Inc., and the individuals to whom Plaintiffs sold Campbell Instruction Contractors, Inc. (Austin and Dylan Ballard). Counsel for Plaintiffs shall inform the Court when that arbitration is completed.
4. There shall be no additional filings – including the filing of a Second Amended Complaint – until further order of the Court. As explained on the record, the Court will address the filing of a Second Amended Complaint and further proceedings at a status conference to be held once the arbitration is completed.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 27, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 27, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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